

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION  
4

5 Civil Action No. 1:17-cv-02989-AT  
6

7 \_\_\_\_\_  
8 DONNA CURLING, et al.,

9 Plaintiffs,

10 vs.

11 BRAD RAFFENSPERGER, et al.,

12 Defendants.  
13 \_\_\_\_\_

14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

15 EDWARD H. LINDSEY, JR.

16 DATE: August 31, 2022

17 TIME: 9:34 a.m. to 11:46 a.m.

18 LOCATION: Witness location  
19

20 REPORTED BY: Felicia A. Newland, CSR

21 Veritext Legal Solutions

22 1250 Eye Street, N.W., Suite 350

Washington, D.C. 20005

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Diane LaRoss

Donna Price

Jess Cino

Vincent R. Russo

Videographer: Jess Wiggins

Veritext Concierge: Joe Raguso

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1 "Renewed Letter Petition to State  
2 Election Board

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P R O C E E D I N G S

\* \* \* \* \*

VIDEOGRAPHER: Today's date is a  
August 31st, 2022. And the time 9:34 a.m. This  
will be the videotaped deposition of Edward  
Lindsey.

Will Counsel present please  
identify themselves for the record.

MR. DENTON: This is Alexander Denton  
for the State Defendants.

MS. CINO: Jessica Cino for the  
Curling Plaintiffs.

MS. SWANBECK: This is Sonja  
Swanbeck, also for the Curling Plaintiffs. And I  
am joined by David Cross and Mary Kaiser, also for  
the Curling Plaintiffs.

VIDEOGRAPHER: Thank you.

Will the court reporter please  
swear in the witness?

\* \* \* \* \*

Whereupon,

EDWARD H. LINDSEY, JR.

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR CURLING PLAINTIFFS  
BY MS. SWANBECK:

Q Good morning, Mr. Lindsey. My name is Sonja Swanbeck.

A Good morning.

Q And thank you for your time this morning.

Could you state your full name for the record?

A Edward Harman Lindsey, Jr.

Q Thank you.

And do you understand you're under oath today?

A Yes.

Q Is there any reason why you would not be able to give full and complete testimony today?

A No.

1                   Q       You are currently a member of the  
2       Georgia State Election Board, correct?

3                   A       Correct.

4                   Q       Were you aware that the Plaintiffs in  
5       this case asked to depose you in April of this  
6       year?

7                   A       I'm aware that there was a question  
8       as to whether or not the request was within the  
9       discovery period. I'm aware that objections were  
10      raised. I'm aware that y'all went to court. And  
11      I'm aware that the judge ruled that my deposition  
12      could be taken, but they were limited to 90  
13      minutes. I'm also aware that I was asked for some  
14      times, that I gave those times that -- and at  
15      y'all's convenience, I moved the deposition twice.

16                  Q       Okay. When did you learn that?

17                  A       I'm sorry?

18                             MR. DENTON: Object to form.

19                             THE WITNESS: I was told first that  
20      y'all needed 9:30, or 9:00, then y'all needed 8:00,  
21      then y'all needed 9:30. It's not an indictment,  
22      Counsel, I'm just sort of saying I think I've been



1 cooperative. That's all I'm saying.

2 BY MS. SWANBECK:

3 Q Okay. Fair enough.

4 When did you learn about the  
5 litigation, this case?

6 A Oh, it was probably shortly after I  
7 got appointed. This, along with numerous other  
8 cases, I was basically told, "Congratulations on  
9 your appointment, you're about to be sued multiple  
10 times."

11 Q And when were you appointed?

12 A Whatever the Friday before the second  
13 Tuesday in January was. It was the second Monday  
14 of January it was.

15 MS. SWANBECK: I'm going to introduce  
16 the first exhibit, Tab 1 as Exhibit 1.

17 (Lindsey Deposition Exhibit Number 1  
18 marked for identification.)

19 BY MS. SWANBECK:

20 Q And just looking at the cover page of  
21 this report here, do you recognize this report?

22 A I'm generally -- I've seen it before,

1           yes.

2                   Q       You have seen it before?

3                   A       Yes.

4                   Q       When did you first see it, do you  
5       remember?

6                   A       I do not. It's been a while, but I  
7       have seen it before.

8                   Q       Were you aware that the Plaintiffs in  
9       this case provided this report to your counsel in  
10      July of last year?

11                  A       I don't know the exact date. I know  
12      that -- that both sides have exchanged expert  
13      reports over the course of this litigation. I  
14      don't -- I don't know the exact times.

15                  Q       Because it was provided in July of  
16      last year, why didn't you review it earlier?

17                           MR. DENTON: Object to form.

18                           THE WITNESS: I think I just said  
19      that I reviewed it earlier than -- than now, but I  
20      was appointed in January this year.

21      BY MS. SWANBECK:

22                  Q       So you didn't review it earlier

1           because you hadn't been appointed. Is that fair to  
2           say?

3                       MR. DENTON: Object to form.

4                       THE WITNESS: I think that would be  
5           fair to say.

6           BY MS. SWANBECK:

7                       Q       Did the report raise any concerns to  
8           you about Georgia's voting system?

9                       A       It raised questions for me, as well  
10          as any type of report that I see that -- that  
11          raises questions regarding our system, yes.

12                      Q       What kinds of questions did it raise  
13          for you?

14                      A       Well, I want to -- you know, it  
15          raised questions regarding that, both in terms of  
16          his pointing out as to potential vulnerabilities  
17          and as to his conclusions. It also prompted me to  
18          take a look at what some other people had said as  
19          well.

20                      Q       And do you recall what else you  
21          looked at?

22                      A       Generally speaking, I think I've seen

1       some analysis by other experts in this case. I've  
2       seen the report by CISA. And I've seen the -- I've  
3       seen of -- I haven't actually seen the report, I'd  
4       like to see the report, from the experts that were  
5       retained by Dominion that apparently issued a  
6       report in May of this year. So I've either seen  
7       reports or seen -- or heard of various reports with  
8       different conclusions.

9               Q       What did you think after seeing all  
10       of those reports?

11              A       Well, like any other system of  
12       voting, there are vulnerabilities, and the State  
13       needs to be aware of vulnerabilities and take  
14       necessary steps to minimize it. You know, with any  
15       election, or with any voting system, there's always  
16       going to be potential vulnerabilities, whether it  
17       be hand ballots or some of the earlier versions of  
18       eVoting or the -- or this one, we have to be  
19       consciously aware of potential vulnerabilities and  
20       be constantly asking questions as to how those  
21       vulnerabilities can be minimized.

22              Q       Do you know what steps the State of

1 Georgia has taken to mitigate the vulnerabilities  
2 in this report?

3 A I've talked to various experts and  
4 various folks within the Secretary of State's  
5 office, in general terms of -- in terms of limiting  
6 total access to the system to anyone. Breaking  
7 that apart, limiting public access to the system as  
8 a whole, that sort of thing. I would have to sort  
9 of go back to them and sort of ask you to sort of  
10 chat with them on -- on those various things.

11 I've also looked at -- at what CISA  
12 recommended. I've looked at -- at what some of the  
13 other folks have said in terms of the -- of the  
14 likelihood or unlikelihood of the vulnerabilities  
15 cited by Dr. Halderman. And I've looked at some of  
16 the other courts that have questioned  
17 Dr. Halderman's objectivity.

18 MS. SWANBECK: At this point I'd like  
19 to introduce Exhibit 2, it's Tab 2 as Exhibit 2.

20 (Lindsey Deposition Exhibit Number 2  
21 marked for identification.)  
22

1 BY MS. SWANBECK:

2 Q And do you see -- oh, sorry.

3 Do you see this -- from the first  
4 page that this is a transcription of the deposition  
5 of Dr. Juan Gilbert?

6 A Yes.

7 Q Are you aware that the Secretary of  
8 State retained Dr. Gilbert as its election security  
9 expert in this case?

10 A Yes.

11 Q So going to the next page, that is  
12 numbered page 144 at the top --

13 A Uh-huh.

14 Q -- then going to Line 8. The  
15 question says: "You're not disputing that experts  
16 like Dr. Halderman and Dr. Appel have the necessary  
17 computer science expertise to evaluate the security  
18 of election systems like that used in Georgia,  
19 right?"

20 And then the answer says: "No, I do  
21 not dispute that. In fact, if I was asked the  
22 questions, 'I have an election system. We need

1           someone to evaluate the security of it to find  
2           vulnerabilities,' at the top of my list would be  
3           Appel, Halderman, that's where I would start."

4                           Do you see that?

5                   A       Yes.

6                           Let me also add that as a litigator  
7           when I see something like that, I'm reminded of  
8           what my first boss said when he heard something  
9           like this, "This is a bless-their-heart comment,  
10          where you agree with certain expertise of an expert  
11          and then you proceed to say that they're wrong in  
12          their conclusions."

13                   Q       Okay. But are you aware that  
14          Dr. Gilbert testified that Dr. Halderman was one of  
15          two experts he would turn to for a cybersecurity  
16          assessment?

17                           MR. DENTON: Object to form.

18                           THE WITNESS: I see the comment, yes.

19          BY MS. SWANBECK:

20                   Q       But were you aware of it?

21                   A       I --

22                           MR. DENTON: Object to form.

1 THE WITNESS: Was I aware of it  
2 before today, are you asking me?

3 BY MS. SWANBECK:

4 Q Yes.

5 A Oh, yeah.

6 I did review the deposition of  
7 Dr. Johnston y'all took last week and I believe  
8 this was one of the exhibits. Yes, I saw that.

9 Q And are you aware that Dr. Gilbert,  
10 the State's expert, did not disagree with any of  
11 Dr. Halderman's technical findings about the  
12 vulnerabilities with the Dominion equipment?

13 MR. DENTON: Object to form.

14 THE WITNESS: I -- I guess I would  
15 have to go back and read the entire deposition to  
16 be able to give you an accurate answer to that.

17 BY MS. SWANBECK:

18 Q Okay. So is it fair to say that you  
19 were not aware of that?

20 A It would be --

21 MR. DENTON: Object to form.

22 THE WITNESS: -- fair to say that



1 without reading the entire deposition, I can't give  
2 you an answer to that one way or the other.

3 BY MS. SWANBECK:

4 Q It's a yes-or-no question.

5 A I understand, but -- but in terms of  
6 a yes-or-no question, there's also a -- a  
7 can-you-answer aspect of it. I don't believe I can  
8 answer it because I haven't read his entire  
9 deposition.

10 Q Okay.

11 MS. SWANBECK: At this time I'll  
12 introduce as Exhibit 3 Tab 3.

13 (Lindsey Deposition Exhibit Number 3  
14 marked for identification.)

15 BY MS. SWANBECK:

16 Q Okay. And looking at this first  
17 page, do you see that's it's entitled,  
18 "Vulnerabilities Affecting Dominion Voting Systems  
19 ImageCast X"?

20 A I see that. I see that it was  
21 embargoed in the first draft.

22 Q Yes.

1                   And then down at the left-hand  
2                   corner, you see it's issued by CISA, the  
3                   Cybersecurity and Infrastructure Security Agency?

4                   A       Like I said, yes, I see it. And I  
5                   see it's an early draft, yes.

6                   Q       Have you seen this advisory before?

7                   A       Yes.

8                   Q       Please turn to the second to the last  
9                   page. It says page 4 of 5 at the bottom left.

10                  A       Yes.

11                  Q       Do you see the Section 3 that says  
12                  "Mitigations"?

13                  A       Yes.

14                  Q       If you could go to the second to the  
15                  last bullet on that page that begins, "When  
16                  barcodes."

17                  A       Yes, I see it.

18                  Q       Could you read that and let me know  
19                  when you're finished?

20                  A       I see it, yes.

21                  Q       Were you aware that CISA drafted this  
22                  advisory recommending that where possible that BMD

1 devices be configured to avoid the use for QR codes  
2 for tabulation?

3 MR. DENTON: Object to form.

4 THE WITNESS: I'm aware that this was  
5 an early draft in which it was included. I'm also  
6 aware that in the final draft that's been  
7 published, and is online, this is not included  
8 within that, which raises a question as to why you  
9 are relying on this when this is not the final  
10 draft from CISA.

11 BY MS. SWANBECK:

12 Q But you're aware that this was in the  
13 first draft?

14 A I'm aware it was in the first draft.  
15 I'm also aware that it was not included in the  
16 final published draft, yes.

17 MS. SWANBECK: So I'll introduce as  
18 Exhibit 4, Tab 4.

19 (Lindsey Deposition Exhibit Number 4  
20 marked for identification.)

21 THE WITNESS: I might add I'm also  
22 aware that you didn't inform Dr. Johnston that this

1 was not the final draft when you met with her.

2 BY MS. SWANBECK:

3 Q It says that it's an embargoed copy.

4 And it says it's not for public dissemination --

5 A I see.

6 Q -- it's an indication that it's not  
7 public.

8 But moving on to Exhibit 4, do you  
9 see that this is the final version, the public --

10 A Yes.

11 Q -- version of this?

12 A Yes.

13 Q Could you turn to that same section,  
14 Section 3 --

15 A Sure.

16 Q -- "Mitigations," where you see it  
17 says "CISA recommends?"

18 A Yeah.

19 Q Could you read those bullet points  
20 and let me know when you're done?

21 A Yes, I'm ready.

22 Q Were you aware of any of these

1 recommendations?

2 A Yes.

3 Q Is that because you've read this  
4 advisory previously?

5 A Yes.

6 Q Do you know if the State of Georgia  
7 followed any of these recommendations to mitigate  
8 the vulnerabilities identified in the advisory?

9 A I am in the process now as a board  
10 member seeking information about whether they have  
11 responded to these or have come up with reasons why  
12 it's not necessary. That would be the best way I  
13 could answer that.

14 Q So you are actively seeking that  
15 information of what -- what steps have been taken?

16 A And -- or that matter -- yeah, what  
17 need to be taken and whether or not -- and how  
18 secure our system is given the questions that were  
19 raised by CISA, yes.

20 Q Could you say specifically so far  
21 what the State of Georgia has done to mitigate each  
22 of these vulnerabilities?

1                   A        I -- I think it would be better to  
2       ask the State of Georgia that question. I have  
3       been -- I've been talked -- I've had people talk in  
4       generalities to me regarding safeguards that they  
5       believe are sufficient. I have asked for a hearing  
6       on this matter to -- for them to be able to address  
7       to reassure the people of Georgia that the system  
8       is secure. That would be the best way I could  
9       answer that question.

10                  Q       And has that hearing been scheduled?

11                  A       Not yet.

12                  Q       Who have you asked for the hearing?

13                  A       The Chair.

14                  Q       Who did you talk to about the steps,  
15       or potential steps, for mitigation?

16                  A       I've talked with -- in addition to  
17       counsel, I have also talked with the state election  
18       head. And I've talked to Gabe Sterling. And I've  
19       also talked within the Secretary of State's office.  
20       I believe that's it.

21                  Q       Who's the state election head?

22                  A       You're going to find pretty quickly

1           that I'm lousy on names. And I apologize. I know  
2           them well and -- but as I'm sitting here today  
3           being deposed, he's well known to both sides. And  
4           I do apologize, but I'm -- I'm lousy sometimes with  
5           names.

6                   Q       Is that Mr. Harvey? Does that ring a  
7           bell?

8                   A       No, that's not Mr. Harvey.

9                   Q       Or Blake Evans.

10                  A       That's him.

11                  Q       Blake Evans?

12                  A       Yeah. Thank you. Sometimes I'm  
13           going to need to phone a friend here when it comes  
14           to names.

15                  Q       Are you aware of any specific steps  
16           the State has taken, other than generalities, can  
17           you name any specific steps that the State has  
18           taken on mitigation?

19                  A       I would hesitate to try to say that  
20           at this time.

21                  Q       Why?

22                  A       Because my memory may not be as good

1 as it should be when it comes to technical matters.

2 Q Are you satisfied that the State is  
3 working to mitigate these vulnerabilities?

4 A I'm satisfied as to their good-faith  
5 efforts, yes. Am I satisfied as to whether or not  
6 we've done everything possible? I reserve that  
7 until I hear from everybody.

8 Q Who else do you want to hear from?

9 A Well, anybody that wants to provide  
10 certain expertise. Like I said, I would like to  
11 see the report from the Dominion expert. Once  
12 again, I need to phone a friend here in terms of  
13 the name of the company, which is also highly  
14 recognized. And I would like to look more fully at  
15 some of the other experts in the case. And -- and  
16 I'll go back and look again at your expert's  
17 deposition or your expert's report.

18 Q You stated just now that you asked  
19 for a hearing for the purpose of assuring the  
20 public that the system is secure. How --

21 A Yes.

22 Q -- can you believe that the system is



1 secure?

2 A That -- well, I guess, let me -- let  
3 me be broader. I want to have a hearing to -- to  
4 for them -- for us to be able to assure, which will  
5 include if any additional steps need to be taken.  
6 That's probably the best way for me to answer that  
7 question.

8 Q Why do you need a hearing for that?

9 A I think there's --

10 MR. DENTON: Object to form.

11 THE WITNESS: But, you know, as -- as  
12 a board member, I'm aware that there's some --  
13 there's some people within our state that are  
14 concerned about voter integrity. And I want to do  
15 whatever it takes to -- to -- to have a safe system  
16 and to have people have confidence in the system so  
17 that as many people as possible vote in November.

18 Because that's part -- you know, if  
19 you look at my responsibilities in the Code,  
20 there are, I believe, ten that are listed. One  
21 of them is to provide public information to  
22 voters regarding the system. And that's part of

1 my duty. And that's part of the things -- that's  
2 one of the things that I take very seriously  
3 because I don't want people to, because of  
4 concerns, have the -- their vote turnout  
5 suppressed. That's not good for anybody.

6 BY MS. SWANBECK:

7 Q So would -- so would you say that the  
8 purpose of a public hearing is to -- to preserve  
9 voter confidence in the system?

10 A Do whatever it takes to preserve --  
11 to -- to ensure voter confidence of as many people  
12 as possible.

13 Q Why is voter confidence important?

14 A Well, we've seen what happens when  
15 voters don't have confidence because false rumors  
16 exists that it turns out sometimes gets lower. And  
17 that's not healthy in a democracy.

18 MS. SWANBECK: So I would like to  
19 introduce Tab 5 as Exhibit 5.

20 MS. CINO: Are we going to 5?

21 MS. SWANBECK: Yes.

22

1 (Lindsey Deposition Exhibit Number 5  
2 marked for identification.)

3 BY MS. SWANBECK:

4 Q Okay. Have you seen this article  
5 before?

6 A Yes.

7 Q And as you see in paragraph 3 on that  
8 first page it says that, "The GBI confirmed Tuesday  
9 that it has opened a criminal investigation  
10 incident"?

11 A I am.

12 Q Do you know when that investigation  
13 began?

14 A I don't know specifically. I do know  
15 that in consultation with the Chair of our  
16 committee, Judge Duffey, that he wanted to make the  
17 referral to the GBI. We talked about it in early  
18 August before I went on an extended vacation. And  
19 he indicated that he was -- he wanted to do so. I  
20 indicated that I thought that was a good idea.

21 We talked about his consultation with  
22 other board members that he attended to do. So I

1           would assume -- I know Judge Duffey made the  
2           recommendation to GBI. I do not know if someone  
3           made that request before Judge Duffey did.

4                   Q       I'm sorry, could you repeat that? I  
5           didn't catch that last sentence.

6                   A       I'm sorry. What?

7                   Q       I'm sorry, I didn't hear your last  
8           sentence.

9                   A       I said I do not if someone before  
10          Judge Duffey did. I do know that Judge Duffey made  
11          that referral sometime in early August.

12                  Q       So are you saying that the State  
13          Election Board through Duffey initiated the  
14          investigation?

15                  A       I'm saying --

16                           MR. DENTON: Object to form.

17                           THE WITNESS: -- made a request for  
18          an investigation. What I'm saying is I don't know  
19          if somebody else before him did so. But I do know  
20          Judge Duffey did from our Board.

21          BY MS. SWANBECK:

22                  Q       Do you know why it wasn't initiated

1 earlier?

2 A I do not know.

3 MR. DENTON: Object to form.

4 THE WITNESS: Like I said, Counsel, I  
5 do not know if -- if anyone made a recommendation  
6 before Judge Duffey did. I don't know one way or  
7 the other.

8 BY MS. SWANBECK:

9 Q Did the State Election Board task the  
10 Secretary of State's office with investigating  
11 potential and unauthorized access to Coffee County  
12 voting equipment?

13 A I know in the past they did. And I  
14 know that they are at the present our investigative  
15 arm. So I guess the answer to that would be yes,  
16 because I -- I know that prior to my becoming a  
17 board member, they were tasked with that. And I  
18 know that up until today, they are still our  
19 investigative arm.

20 We're looking, quite frankly, to --  
21 to get some budget and guidance from the  
22 legislature on that, but at the present moment

1           they're our investigative arm. So I would assume,  
2           given the past recommendation from the Board, that  
3           the Secretary of State's office would continue to  
4           investigate, yes.

5                   Q       If the Secretary of State's office is  
6           the investigative arm, why didn't Chair Duffey  
7           recommend or refer this to the GBI?

8                   A       Because in his opinion -- and I might  
9           also add in my opinion -- there clearly appeared to  
10          be criminal activity -- or possible, possible,  
11          criminal activity, which would -- which would put  
12          them -- put the investigation clearly into the lap  
13          of the GBI, and possibly other -- other criminal  
14          investigative groups.

15                   Q       You said that the SEB tasked the  
16          Secretary of State's office with this investigation  
17          before you were appointed. Is that correct?

18                   A       Yeah, that's my understanding, yeah.

19                   Q       Do you know when they --

20                   A       No, I don't. I don't know. That was  
21          before my time.

22                   Q       Do you know why they made that

1 referral? What was the -- what initiated that  
2 referral?

3 A I don't know the --

4 MR. DENTON: Object to form.

5 THE WITNESS: -- specifics on that  
6 either. Like I said, it was before my time.

7 BY MS. SWANBECK:

8 Q You said that you were looking to  
9 hear from the legislature about the budget for the  
10 investigation. Why?

11 MR. DENTON: Object to form.

12 THE WITNESS: Not as to this. I  
13 probably garbled that a little bit. And I  
14 apologize, Counsel. What we are looking to do is  
15 enhance our budget. The -- the legislature has  
16 tasked the State Election Board to be a -- a more  
17 independent body from the -- from the Secretary of  
18 State's office, both in terms of its Chair, it is  
19 now someone independent from the Secretary of  
20 State's office, and other duties of the -- and  
21 expected responsibilities under Senate Bill 202, I  
22 believe.

1                   Given that fact, we believe that we  
2                   need additional State resources to be able to be  
3                   a more independent body in line with the specific  
4                   intent of the legislature through its -- through  
5                   its passage of its legislation.

6                   BY MS. SWANBECK:

7                   Q       What's the basis of your belief that  
8                   the Secretary of State is an investigative arm of  
9                   the SEB?

10                  A       It has additionally been so. And  
11                  underneath the present resources available to the  
12                  State Election Board, it has been necessary for  
13                  them to continue to do so.

14                  Q       Going back to what you were saying  
15                  about the SEB's independence. In the SEB meeting  
16                  last Monday, Judge Duffey discussed the Board's  
17                  handling of the investigations and its relationship  
18                  with the Secretary of State.

19                  A       Uh-huh.

20                  Q       But the reports that the SEB receives  
21                  from the Secretary of State are recommendations to  
22                  the Board, not final decisions?



1                   A       Correct.

2                   Q       From these statements, is it your  
3                   understanding that going forward, the SEB will be  
4                   more actively involved in investigations conducted  
5                   by the Secretary of State?

6                   MR. DENTON:   Object to form.

7                   THE WITNESS:   It depends on the case,  
8                   I guess I would say.

9                   BY MS. SWANBECK:

10                  Q       Do you believe that the SEB should be  
11                  more actively involved in these investigations?

12                  A       I believe that we should fulfill the  
13                  intent of the legislature under SB 202 to be a more  
14                  independent body.

15                  Q       But do you believe that the SEB  
16                  should be more actively involved in investigations?

17                  A       Well, if we're going to be more  
18                  independent, that implies greater activity, yes,  
19                  Counsel.

20                  Q       Is part of the reason for this  
21                  greater involvement the fact that the Secretary of  
22                  State's office didn't uncover what happened in

1 Coffee County and publicly claimed that the  
2 incident didn't happen?

3 A Well, that's --

4 MR. DENTON: Object to form.

5 THE WITNESS: No, that's not --  
6 you -- you're conflating apples and oranges. We  
7 are -- I am -- we're trying to fulfill our mission  
8 as set out by the legislature in SB 202, which was  
9 independent from the Coffee County issue.

10 BY MS. SWANBECK:

11 Q Do you know why the legislature made  
12 that change in SB 202?

13 A Counsel, I don't know if you know my  
14 background, but my background, I served ten years  
15 in the legislature. And I know it's always  
16 somewhat doubtful to question what 180 members' and  
17 56 senators' intent was to try to come up with one  
18 answer.

19 I think, in general, though, that --  
20 leaving that comment aside, I apologize --  
21 basically what they wanted was a more -- a more  
22 independent agency overseeing it. And, you know,

1           for various reasons. Different legislatures had  
2           different reasons in my talking with them.

3                   Q       Have you asked the Secretary of State  
4           for funding of independent investigations?

5                   A       We've asked for -- well, we've asked  
6           for them to provide us with funding for various  
7           investigations, but, more specifically, we've asked  
8           them to conduct investigations. And, quite  
9           frankly, I haven't had any real serious issue with  
10          any of the investigations that I've seen that  
11          they've conducted to date.

12                   Q       Judge Duffey, in the meeting last  
13          Monday, mentioned that there had been times where  
14          he had reviewed the results of their investigations  
15          and have asked for more information or for more  
16          work to be done.

17                           Is that your understanding that  
18          sometimes the investigation --

19                   A       Yeah.

20                   Q       -- are more --

21                   A       Yeah. And --

22                           MR. DENTON: Object to form.

1 THE WITNESS: -- exactly what I would  
2 assume that we would do. And there are times in  
3 which I have asked for additional information. I  
4 think one of the cases -- I'm not sure if I asked  
5 for additional information or I asked for  
6 additional guidance. But yes, we have from time to  
7 time asked for them to go back and do additional  
8 investigations.

9 We have at times asked that based  
10 on the investigation that's -- that's been done  
11 by the Secretary of State's office that the  
12 Attorney General do an additional investigation.  
13 And we have, as shown herein with the Coffee  
14 County case, have at times asked that the GBI  
15 pick up and do additional investigation.

16 So we have asked for an additional  
17 investigation to done either by the Secretary of  
18 State's office, the Attorney General's office or  
19 the -- are the GBI, from time to time.

20 BY MS. SWANBECK:

21 Q What do you view as the role of the  
22 Attorney General in these investigations as opposed

1 to the role of the Secretary of State's office?

2 MR. DENTON: Object to form.

3 THE WITNESS: A, there are -- they  
4 are our attorneys; and, B, they are generally  
5 involved in the civil side of potential penalties  
6 that we are concerned about. GBI, when we think  
7 there's a possible criminal activity, we send it to  
8 the GBI, when we think there are possible civil  
9 penalties related to an incident, we send it to the  
10 Attorney General for additional investigation and  
11 recommendations, and whenever necessary,  
12 prosecution.

13 BY MS. SWANBECK:

14 Q Has the Attorney General had any  
15 involvement in the Coffee County investigation?

16 MR. DENTON: Object to form.

17 And I'd certainly instruct you not  
18 to answer to the extent that your answer would  
19 require you to disclosure attorney-client  
20 privileged communications. If you can answer  
21 without disclosing privileged information, you  
22 may answer.

1 THE WITNESS: I don't believe I can  
2 without disclosing privileged information.

3 BY MS. SWANBECK:

4 Q Has the Secretary -- or, sorry.

5 Has the State Election Board asked  
6 either the Secretary of State's office or the  
7 Attorney General to do more investigation in the  
8 Coffee County case?

9 MR. DENTON: Object to form.

10 And the same instruction on  
11 privilege.

12 THE WITNESS: In terms of publicly,  
13 no. No. We have instead, like I said through  
14 Judge Duffey, asked GBI to do so.

15 BY MS. SWANBECK:

16 Q You said just now that you haven't  
17 seen any serious issues with the investigations by  
18 the Secretary of State's office to date. Does that  
19 include whatever investigation the Secretary of  
20 State conducted into the breach of the voting  
21 system into Coffee County?

22 MR. DENTON: Object to form.

1 THE WITNESS: I haven't seen a report  
2 from the Secretary of State's office on Coffee  
3 County. They haven't made a public report to us  
4 since I've been on the Board.

5 BY MS. SWANBECK:

6 Q What insight do you have into their  
7 investigation?

8 A None. As a general rule, I --  
9 once -- once they launch an investigation, I wait  
10 for their conclusions, both -- both as to any -- as  
11 to any matter.

12 Q So you're waiting for their  
13 conclusion in the case of Coffee County?

14 A Yeah. And, quite frankly, I'm  
15 probably more urgently waiting on the GBI, because  
16 I do agree with Judge Duffey, while there is a --  
17 that there is a possible criminal aspect to that  
18 activity.

19 Q Are you aware that Gabe Sterling  
20 publicly announced in April of 2022 that the  
21 Secretary of State investigated the Coffee County  
22 breach and concluded that the breach didn't happen?

1 MR. DENTON: Object to form.

2 THE WITNESS: As to the specifics of  
3 what Mr. Sterling said, I cannot testify to. I  
4 don't -- I'd have to go back and look.

5 MS. SWANBECK: So we're going to  
6 introduce the next exhibit, 15, which is a video.

7 (Lindsey Deposition Exhibit Number 6  
8 marked for identification.)

9 MR. DENTON: Ms. Swanbeck, will this  
10 be Exhibit 6?

11 MS. SWANBECK: Yes. I'm sorry, it  
12 will be Exhibit 6.

13 MS. CINO: Are you going to do a  
14 screen share?

15 MS. SWANBECK: Yes.

16 (Video being played.)

17 MS. CINO: We're not getting any  
18 sound.

19 VIDEOGRAPHER: No sound, Counselor,  
20 sorry.

21 MR. DENTON: I'll just note while  
22 we're working on that, that it looks like the file



1 of this video is entitled, "15 Video Clip  
2 (Sterling)." It looks like a 12-second clip.

3 MS. SWANBECK: Yes, it's in the  
4 marked exhibit folder. Can you play it on your  
5 end?

6 VERITEXT CONCIERGE: Counsel, I have  
7 sound if you'd like me to screen share it as well.

8 MS. SWANBECK: That works.

9 VERITEXT CONCIERGE: This is the  
10 concierge. Please stand by.

11 (Video being played.)

12 THE WITNESS: I can't hear sound.

13 MR. DENTON: Ms. Swanbeck, we're  
14 still not getting sound here in the room.

15 VERITEXT CONCIERGE: No one was able  
16 to hear that?

17 MR. DENTON: We could barely hear it  
18 at the very beginning.

19 MS. SWANBECK: Jess, can you play it  
20 in -- in the room?

21 MS. CINO: Oh, let me see what I can  
22 do.

1 MS. SWANBECK: Can we go off the  
2 record for a minute, please?

3 VIDEOGRAPHER: The time is 10:15 a.m.  
4 We are off video record.

5 (Recess from 10:15 a.m. to 10:16 a.m.)

6 VIDEOGRAPHER: The time is 10:16 a.m.  
7 We are back on video record.

8 MS. CINO: I'm going to hit play.

9 (Video being played.)

10 BY MS. SWANBECK:

11 Q Did you hear that Gabe Sterling, from  
12 the Secretary of State's office, said that the  
13 breach didn't happen, correct?

14 MR. DENTON: Object to form.

15 THE WITNESS: When -- when was -- if  
16 you don't mind me asking, Counsel, when was this?

17 BY MS. SWANBECK:

18 Q It looks like it was from this past  
19 April.

20 A Okay. You know, we -- we hope -- we  
21 certainly know that a breach did happen. We know  
22 that people went to Coffee County. We know that

1 folks in Coffee County allowed certain people into  
2 their office that they should not have. I don't  
3 know the context of this, nor do I know what the  
4 full statement of Gabe was other than these 12  
5 seconds.

6 I will also say that I've known Gabe  
7 for over 20 years, and I've dealt with him in  
8 multiple capacities in -- in different roles he's  
9 had. I believe him to be a good and honorable  
10 person. But I would -- I do -- I will ask him  
11 about this.

12 I will also say that I've talked to  
13 him subsequent to April, and that he has talked to  
14 me about the breach, what took place in Coffee  
15 County, and -- and that he and the Secretary of  
16 State's office are very upset about that. So yes,  
17 yeah. What he said on this, based on what we now  
18 know, is not accurate. But does that mean that I  
19 think that Gabe was hiding anything? No. Based on  
20 my 20-year plus -- my probably 25-year experience  
21 with Gabe, that would be totally out of character  
22 for him.

1 BY MS. SWANBECK:

2 Q And what did you -- what did you talk  
3 with Gabe Sterling about related to the breach?

4 A We talked in general terms about what  
5 was and was not done down there. We talked about  
6 what we know in terms of who -- who sent the people  
7 and who went. Probably spent more time talking  
8 about who sent the people than who went. That --  
9 and that's generally it.

10 Q What specifically do you -- did you  
11 talk about, do you remember?

12 A Like I said, we talked about based on  
13 what we know now, who sent them. It was apparently  
14 an attorney for Former President Trump. We know  
15 the organization that went down. And we know in  
16 some generalities what they did or did not look at,  
17 in terms of different parts of the election system.  
18 That was generally it.

19 Q And which attorney was that that sent  
20 them?

21 A My understanding it was -- what's her  
22 name, Sidney Powersome -- Sidney -- what was her

1 name? I need a phone a friend here. Sidney,  
2 whatever her name is, that released the Kraken  
3 attorney.

4 Q Okay. Sidney Powell?

5 A Sidney Powell. Thank you again.  
6 Thank you for being my friend on that one.

7 Q Sure.

8 And do you recall what team that was  
9 that was sent down?

10 A Off the top of my head, no. I know  
11 it was somebody out of Atlanta, who then turned  
12 around and billed them for, like, \$29,000 and flew  
13 on a private plane down to Coffee County. I think  
14 it's in the news report as a matter of fact.  
15 SullivanStrickler, according to the news report.

16 Q Do you know how the Secretary of  
17 State's office concluded that the breach didn't  
18 happen, as Mr. Sterling reported in April?

19 MR. DENTON: Object to form.

20 THE WITNESS: I do not know. I do  
21 not know if someone from Coffee County lied to them  
22 or not. It may very well have been the case.

1 BY MS. SWANBECK:

2 Q Does --

3 A People who do wrongdoing often lie  
4 about having done wrongdoing. That's been my  
5 experience as an attorney. But that's simply  
6 speculation on my part.

7 Q Does it concern you that the  
8 Secretary of State reached that conclusion?

9 MR. DENTON: Object to form.

10 THE WITNESS: No. I'm more concerned  
11 with the fact that it took place and that people  
12 thought they had a right to do so. That's my  
13 primary concern here, Counsel.

14 BY MS. SWANBECK:

15 Q And do you know if the Secretary of  
16 State's office talked to anybody in reaching that  
17 conclusion?

18 MR. DENTON: Object to form.

19 THE WITNESS: Like I said, no, I  
20 don't know, Counsel. Like I said, my primary focus  
21 has been on what actually did occur and -- and --  
22 and in supporting my Chair when he made a

1 recommendation to the GBI. That's been my primary  
2 concern.

3 BY MS. SWANBECK:

4 Q Have you asked Mr. Sterling why the  
5 Secretary of State's office has never interviewed  
6 anyone involved with the Coffee County breach?

7 A I have not.

8 Q Why not?

9 A Because I've been more focused on  
10 getting the GBI to do so.

11 Q What is your understanding of what  
12 was and what wasn't looked at in Coffee County?

13 MR. DENTON: Object to form.

14 THE WITNESS: Once again, that's  
15 certain -- that's certain technical aspects that  
16 are probably outside of my expertise, but I do  
17 understand there were certain aspects of the 2020  
18 election that was copied and certain data  
19 regarding -- that was online regarding that. And  
20 I -- and I am aware that there was certain software  
21 and certain equipment that was not touched, but I  
22 would have to sort of defer that back to folks who

1 have greater knowledge than I as to the details.

2 BY MS. SWANBECK:

3 Q What software do you believe was not  
4 touched?

5 A I'm not going to be able to get into  
6 technical --

7 MR. DENTON: Object to form.

8 THE WITNESS: Thank you, Counsel.  
9 I'll go a little slower next time.

10 Like I said, I think that it  
11 centered on the 2020 election, dealing with the  
12 candidates on the ballot. That's my  
13 understanding. But that's just a broad  
14 statement, Counselor. I'd have to sort of defer  
15 back to other folks who have more on-the-ground  
16 knowledge.

17 MS. SWANBECK: If it's all right with  
18 everyone, at this point I'd like to take a break  
19 and go off the record for a few minutes.

20 VIDEOGRAPHER: The time is 10:23 a.m.  
21 We are off video record.

22 (Recess from 10:23 a.m. to 10:34 a.m.)



1 VIDEOGRAPHER: The time is 10:34 a.m.

2 We are back on video record.

3 BY MS. SWANBECK:

4 Q You said earlier that you had spoken  
5 to Gabe Sterling about the Coffee County  
6 investigation. Can you state specifically what you  
7 talked to -- with him about?

8 A Well, I think we've been over it, but  
9 basically two -- two aspects: Number one, we  
10 discussed the fact that we -- we simply confirmed  
11 what was in the newspaper report, that Sidney  
12 Powell had authorized a local tech group to go down  
13 to Coffee County and utilize the -- at least some  
14 folks from the election board or someone -- some  
15 folks from the election division down there to have  
16 access to the equipment. We talked about that. We  
17 talked about in general terms that there were some  
18 things that were copied and some things that they  
19 didn't have access to.

20 Q And what is your understanding of  
21 what they had access to?

22 A From my -- as I'm sitting here today,

1           it was generally they had access to materials  
2           dealing specifically with the 2020 election.

3                   Q       Just the 2020 election?

4                   A       Yes.

5                           I'm not sure if they also had access  
6           to the 2021 senate runoffs or not. I'm not -- I  
7           don't -- but I don't recall that one way or the  
8           other.

9                   Q       Are you aware that they also had  
10          access to the EMS server data and the software from  
11          the voting equipment?

12                          MR. DENTON: Object to form.

13                          THE WITNESS: I can't say that one  
14          way or the other. I'd have to go back and look.

15          BY MS. SWANBECK:

16                   Q       If that were true, would you be  
17          worried that that would have an affect on the  
18          upcoming elections?

19                          MR. DENTON: Object to form.

20                          THE WITNESS: If that were true, I  
21          would want to hear from various experts as to  
22          whether or not it would have a problem with the

1 elections. And I would have to -- and I would also  
2 want to hear what would or would not be needed  
3 to -- to protect the integrity of the system.

4 BY MS. SWANBECK:

5 Q Are you concerned that having that  
6 software out on the internet could be used to  
7 exploit future elections?

8 MR. DENTON: Object to form.

9 THE WITNESS: It depends on what was  
10 put on the internet. It depends on how it could be  
11 utilized. It depends on what kind of -- what kind  
12 of access would be necessary for someone to -- to  
13 put, for instance, malware on. And it would be  
14 necessary for me to know what safeguards would be  
15 put in existence to keep that from happening.

16 Keep in mind, Counselor, that every  
17 elections -- form of elections have  
18 vulnerabilities. The question is whether or not  
19 there are safeguards in place to protect against  
20 those vulnerabilities, and also to detect whether  
21 or not those vulnerabilities are being exploited.

22 CISA issued an excellent report,

1           for instance, at the end of May in which they  
2           raised just this point going, "Every -- every  
3           voting system has vulnerabilities, the question  
4           is whether or not you take the necessary steps to  
5           protect against them."

6           BY MS. SWANBECK:

7                   Q       Every system has vulnerabilities, but  
8           do you agree that having the proprietary software  
9           for an election system out on the internet creates  
10          unique vulnerabilities?

11                   MR. DENTON: Object to form.

12                   THE WITNESS: I think I've answered  
13          the question, Counselor.

14          BY MS. SWANBECK:

15                   Q       You explained that every system has  
16          vulnerabilities, but my question was whether this  
17          breach creates unique vulnerabilities?

18                   A       To walk back through the same  
19          question again, I believe it to be the same  
20          question again, the question is what exactly was  
21          the software? What exactly -- what exactly it  
22          could possibly lead to in terms of exploitation?

1           What exactly safeguards are in place in order to  
2           keep that exploitation from taking place? And what  
3           exactly was in place to be able to detect what that  
4           exploitation does? Those are the questions that I  
5           have.

6           Q           Given that the November elections are  
7           coming up pretty quickly, how will you evaluate  
8           those safeguards that you've been describing in  
9           time to determine whether they are enough to secure  
10          the election?

11          A           Well, I'm -- I'm working on it. And,  
12          quite frankly, the Secretary of State's office, I  
13          know, is working on it. And -- and, quite frankly,  
14          I hope that you guys are working on it. So between  
15          all of us, I hope that we can show confidence to  
16          the -- to the people that the 2022 election is --  
17          the results will be accurate.

18          Q           Are you aware of any specific steps  
19          that have been taken to address these safeguards?

20          A           I know that --

21                   MR. DENTON: Object to form.

22                   THE WITNESS: I'm sorry. Thank you.

1 I know -- I know in general terms  
2 what -- what has been done in the past in terms  
3 of checking and rechecking and in limiting access  
4 to the system, but I do want to see more  
5 information, yes. I want to see more information  
6 publicized.

7 BY MS. SWANBECK:

8 Q You mentioned among those safeguards  
9 various aspects of physical security. Doesn't the  
10 Coffee County breach suggest that those safeguards  
11 are not adequate?

12 A It indicates that that particular  
13 breach is inadequate. It will protect -- perhaps  
14 we need something, our discussions with local --  
15 local counties, yes.

16 Q What would you like to see changed in  
17 terms of safeguards that are maintained by the  
18 counties?

19 A Well, with -- a lot of it is simply  
20 following the existing laws, because what we have  
21 here is a -- in my opinion, a clear breach of  
22 existing law. Making it very clear that any such

1           action taking place in the future will be met  
2           with -- with -- with possible criminal sanctions.  
3           But that's my most immediate thought.

4                   Q       What is the SEB doing to ensure that  
5           counties follow the law in the future?

6                   A       Well, right now we've -- we've  
7           launched a criminal investigation. Deterrence is  
8           an important aspect of -- of any kind of  
9           enforcement.

10                   Q       Going back to your conversations with  
11           Gabe Sterling. Did he mention any conversations  
12           that the Secretary of State's office had with  
13           anyone from Coffee County about the breach?

14                   A       No, that wasn't the discussion.

15                   Q       Are you aware that he hadn't -- or  
16           that he hadn't talked to anyone in Coffee County  
17           about the breach?

18                           MR. DENTON: Object to form.

19                           THE WITNESS: I'm not aware one way  
20           or the other. Whether he or anyone else, I'm not  
21           aware one way or the other.

22

1 BY MS. SWANBECK:

2 Q Are you concerned about the fact that  
3 he didn't talk to anyone about the breach in Coffee  
4 County?

5 MR. DENTON: Object to form.

6 THE WITNESS: Well, since I don't  
7 know whether or not that's accurate or not, then,  
8 no, at this point. But I'm -- like I said, what  
9 I'm most concerned about is seeing too that the GBI  
10 conducts its investigation.

11 BY MS. SWANBECK:

12 Q But at that point when the Secretary  
13 of State's office had been put on notice that there  
14 was a breach in Coffee County, at least as of  
15 February of this year, you're not concerned that  
16 they didn't talk to anyone in Coffee County, the  
17 Secretary of State didn't talk to anyone?

18 A I'm not --

19 MR. DENTON: Object to form.

20 THE WITNESS: I'm not aware of that  
21 one way or the other, Counsel.  
22



1 BY MS. SWANBECK:

2 Q If they hadn't talked to anyone in  
3 Coffee County, would that bother you?

4 MR. DENTON: Object to form.

5 THE WITNESS: Same answer. I would  
6 like to know more about what -- what they did do.  
7 But like I said, my primary concern at this point  
8 in moving forward was seeing to it that the  
9 criminal investigation moves forward and that we  
10 take whatever steps are necessary to -- to secure  
11 the election in 2022.

12 BY MS. SWANBECK:

13 Q So I don't believe you answered my  
14 question.

15 So to repeat. If they didn't talk to  
16 anyone for months after being put on notice that  
17 there was a breach in Coffee County, would that  
18 concern you?

19 MR. DENTON: Same objection.

20 THE WITNESS: Thank you.

21 First off, Counselor, I'd like to  
22 know what information they had before, in terms

1 of possible breach. I'd like to know what  
2 information people held and -- and did not turn  
3 over to the Secretary of State's office to assist  
4 them further in doing the investigation. I would  
5 like to know -- I would like to know what they  
6 did once they got that additional information. I  
7 would like to know -- yeah, I mean, those --  
8 those are all questions that I would like to have  
9 answered, yeah.

10 But, like I said, right now my  
11 primary focus is on, one, the criminal  
12 investigation of Coffee County. Once that's  
13 concluded, we -- the Secretary -- the State  
14 Election Board will probably have to take  
15 additional -- some civil action, when it comes to  
16 Coffee County, possibly. And also making sure of  
17 the 2022 election. That's my primary concern at  
18 this point, Counselor.

19 BY MS. SWANBECK:

20 Q What -- what additional information  
21 are you referring to in Coffee County?

22 MR. DENTON: Object to form.

1 THE WITNESS: I'm not sure if I  
2 understand your question.

3 BY MS. SWANBECK:

4 Q You said that you'd be curious to  
5 know what additional information they received.  
6 What -- what additional information are you  
7 referring to?

8 Is that something that you spoke  
9 about with --

10 A Yeah, you asked -- you asked what I  
11 would like to know. And yes, I am sort of curious  
12 as to -- as to various aspects of what took place  
13 before now, when it comes to investigations. When  
14 it comes to not just what the Secretary of State's  
15 office knew, but what other people also knew. What  
16 information did people have that they were possibly  
17 holding on to and not -- not giving it to the  
18 Secretary of State's office. Why did the Secretary  
19 of State's office -- you know, these are -- these  
20 are -- these are issues that I'm -- that I'm  
21 curious about.

22 But, like I said, within my

1 bandwidth, my primary concern is -- is -- is Coffee  
2 County, what did happen and what we need to be  
3 doing moving forward. That's my primary concern at  
4 this point.

5 Q And earlier you said that you had no  
6 concerns in general about these Secretary of  
7 States' investigative actions thus far based on the  
8 reports that you had seen?

9 A Yeah. They -- based on what I've  
10 seen produced, and the hearings that I've -- that  
11 I've been a part of it -- I've been a part of  
12 three -- I have generally been impressed with the  
13 thoroughness of the -- of the investigators.  
14 Although, as with any decision-making body, there  
15 are times in which we, A, want them to do more; B,  
16 believe that the Attorney General needs to --  
17 office needs to take place or see that the GBI  
18 does. But have I generally been -- been impressed  
19 with the investigators in particular? Yes.

20 Q Okay. And you said that you had not  
21 seen a report yet related to Coffee County. Is  
22 that correct?

1                   A       No, not until they've reached a  
2       conclusion.

3                   Q       So is it fair to say that your  
4       confidence in the Secretary of State's  
5       investigative abilities do not include their  
6       investigation into Coffee County?

7                   MR. DENTON:   Object to form.

8                   THE WITNESS:   Well, given the fact  
9       that I haven't seen what they've done yet, yes,  
10      that's correct.   I'm basing it on the  
11      investigations that I've heard to date.   I believe,  
12      somewhere around -- somewhere around 85 to 100  
13      cases that I've heard over the last three meetings.  
14      I believe that they've done a thorough job in those  
15      matters.   But no, I have no opinion regarding --  
16      one way or the other, regarding their investigation  
17      in Coffee County.

18                  MS. SWANBECK:   I'd like to introduce  
19      the next exhibit, this will be Tab 16, which I  
20      believe is Exhibit 7.

21                  (Lindsey Deposition Exhibit Number 7  
22                  marked for identification.)

1 MS. CINO: Uh-huh.

2 BY MS. SWANBECK:

3 Q Can you go to the second full page  
4 after the slip sheet?

5 MR. DENTON: Sorry, Ms. Swanbeck,  
6 you -- you cut out right there at the end.

7 MS. SWANBECK: I'm sorry.

8 BY MS. SWANBECK:

9 Q Mr. Lindsey, can you flip the page to  
10 the e-mail that's after the slip sheet page? And  
11 can you read this e-mail and let me know when  
12 you're done?

13 A Okay. I see it.

14 Q Were you aware that James Barnes, the  
15 former Coffee County elections supervisor, found  
16 Doug Logan's Cyber Ninjas business card attached to  
17 the computer of the previous supervisor of the  
18 election board?

19 MR. DENTON: Object to form.

20 THE WITNESS: I think I heard about  
21 this before, Counsel, but I'm not -- I'm not for  
22 sure where, but yes.

1 BY MS. SWANBECK:

2 Q Are you familiar with Doug Logan or  
3 his organization, Cyber Ninjas?

4 A Just what I read regarding, you know,  
5 Arizona. And I believe there's been at least some  
6 newspaper articles involving their involvement here  
7 in Georgia.

8 Q What have you read regarding their  
9 activities in Arizona?

10 A Just that they -- they were brought  
11 in, if I recall, by the Arizona Senate Republicans  
12 to do a full audit/recount of the -- of Maricopa  
13 County, I think it was.

14 Q And what have you read about their  
15 activities in Georgia?

16 A I'm not exactly sure, but I -- I  
17 believe that the folks, if I -- if I -- if I'm  
18 recalling this correctly, SullivanStrickler --  
19 somehow -- somehow they looked at some of the  
20 material that was brought out of Coffee County.  
21 That's all I remember.

22 Q Are you aware that Doug Logan

1           accompanied SullivanStrickler to copy the Coffee  
2           County data?

3                   A       No, but I certainly hope that the GBI  
4           is.

5                   Q       Going back to --

6                   A       I would assume that they are. Let me  
7           answer that again. I didn't mean to -- to infer  
8           that they might not.

9                   Q       Would it concern you if they weren't?

10                  A       Would it concern me if they were  
11           or --

12                  Q       Weren't? Would it concern you if  
13           they were not?

14                  A       -- or weren't?

15                           MR. DENTON: Object to form.

16                           THE WITNESS: It would -- it would  
17           surprise me because I believe that they would. I  
18           mean, it's been pretty widely published. And my  
19           experience with the GBI is that they're a pretty  
20           thorough bunch, so I -- I would assume that they  
21           would.

22



1 BY MS. SWANBECK:

2 Q Okay. Going back to the first page  
3 of the exhibit. To that second e-mail on that  
4 page, do you see it's from Chris Harvey, the  
5 elections director of Georgia to --

6 A Uh-huh.

7 Q -- then-Coffee County Election  
8 Supervisor, James Barnes. And a little ways down  
9 in that e-mail he says, "I have let our  
10 investigations division and CES know and they might  
11 follow up with you."

12 Do you see that?

13 A Yes.

14 Q And then the -- the top e-mail on the  
15 page -- well, sorry strike that.

16 So still on the second e-mail, do you  
17 see that Chris Harvey has cc'd Frances Watson, the  
18 head of the Secretary of State's investigative unit  
19 at the time?

20 A Uh-huh. Yes, I see that.

21 Q Do you see the top e-mail where she  
22 says, "Can you contact the County and verify what

1 if any contacts Cyber Ninjas had with any election  
2 equipment?"

3 A Yes.

4 Q Do you know whether that contact with  
5 the County ever occurred?

6 A I do not.

7 Q Why not?

8 A Because it's an ongoing  
9 investigation, and our -- our active role comes  
10 once the investigation is completed, they come to  
11 us.

12 Q Do you see that that e-mail from  
13 Frances Watson is dated May 11, 2021?

14 A Yes, I see that.

15 Q So that's over a -- well over a year  
16 ago. Does it concern you that no one from the  
17 Secretary of State's office ever contacted anyone  
18 in Coffee County at that time?

19 MR. DENTON: Object to form.

20 THE WITNESS: I don't know if you're  
21 commenting -- if your -- if your statement is true  
22 or not, Counsel.

1 BY MS. SWANBECK:

2 Q Would it concern you if they hadn't  
3 contacted anyone from Coffee County about the  
4 possible Cyber Ninjas' contact?

5 MR. DENTON: Object to form.

6 THE WITNESS: It would interest me.  
7 I'd like to know why, yeah. At some point in the  
8 game, yeah. Particularly when they -- you know,  
9 when they come to us with a completed  
10 investigation, that is certainly a question that I  
11 will ask as to whether or not the claim that you  
12 just made is accurate or not. I do -- that is a  
13 question that I will ask.

14 BY MS. SWANBECK:

15 Q Why would you want to ask that?

16 A Because I want to know the  
17 thoroughness of their investigation. And, you  
18 know, we -- we -- these are the sort of questions  
19 that we ask, Counsel, when -- when they do bring to  
20 us with their conclusions. We do walk through  
21 their -- with them their investigations. And that  
22 is something that I will -- I will tuck away and I

1 do intend to ask once -- once the time is  
2 appropriate.

3 Q Thank you.

4 A But like I said, I don't know if --  
5 if -- if -- if the statement you made is true or  
6 not.

7 Q Do you know if the Secretary of State  
8 investigator ever contacted anybody at Coffee  
9 County?

10 MR. DENTON: Object to form.

11 THE WITNESS: I think -- I think  
12 we've answered that a few times, Counselor. No, I  
13 don't know one way or the other.

14 MS. SWANBECK: Then I'll introduce as  
15 the next exhibit Tab 47, as Exhibit 8.

16 (Lindsey Deposition Exhibit Number 8  
17 marked for identification.) yes, sir

18 MS. CINO: Did you say 47?

19 MS. SWANBECK: Yes.

20 MS. CINO: Okay. Hang on just a  
21 second. There you go.

22

1 BY MS. SWANBECK:

2 Q And you see from this top page that  
3 it's the deposition transcript for James Barnes?

4 A Yes.

5 Q And from that last exhibit, you'll  
6 remember that he was the former election supervisor  
7 for Coffee County.

8 A Yes.

9 Q If you turn to the next full page  
10 that's numbered 164 at the top right.

11 A Uh-huh.

12 Q Go down to Line 8, you'll see that  
13 he -- well, sorry, strike that.

14 If you'll see on Page 163, Line 22,  
15 beginning, "And so Mr. Harvey here writes back four  
16 days later." And he quotes from that last exhibit  
17 that we just discussed. Do you see that?

18 A I see that.

19 Q So going to Page 164, Line 8, James  
20 Barnes says, "I never heard anything back from  
21 anybody at the State."

22 And then the question continues. "So

1 no further communication from anyone from the State  
2 about the concern that Mr. Harvey notes here about  
3 whether there might have been access to any of the  
4 equipment at Coffee County?" And James Barnes  
5 responds, "No, I never heard anything else back  
6 from them."

7 Do you see that?

8 A I see that.

9 Q Does that concern you that no one  
10 ever followed up with James Barnes?

11 MR. DENTON: Object to form.

12 THE WITNESS: It raises questions.  
13 I'd like to -- and it raises questions as to  
14 whether or not they utilized some other means of  
15 determining what was going on or not. But it  
16 does -- it does raise questions, yeah.

17 BY MS. SWANBECK:

18 Q Mr. Barnes is the one who reported  
19 finding the business card attached to his computer  
20 that had belonged to the previous election  
21 supervisor. Wouldn't you expect that they would  
22 follow up with the person who had found that card?

1 MR. DENTON: Object to form.

2 THE WITNESS: Well, like I said, it  
3 raises -- it raises a question, Counselor, you  
4 know. But whether or not they utilized something  
5 else, whether or not they -- they considered  
6 Mr. Barnes to be a person to be suspicious so they  
7 wouldn't talk to someone else, I don't know. But  
8 it does raise a question. I'm not prepared to make  
9 a conclusion, but it does raise a question.

10 MS. SWANBECK: So I will introduce at  
11 this point Tab 50 as the next exhibit, Exhibit 9.

12 (Lindsey Deposition Exhibit Number 9  
13 marked for identification.)

14 BY MS. SWANBECK:

15 Q And you see that this is a text  
16 thread that's --

17 A Yeah, it's mine. Yes, it's mine.

18 Q Okay. And so just to -- you sent  
19 this text at the top here?

20 A Yes.

21 Q Who is the Amber that this text  
22 conversation is with?

1 A Amber McReynolds.

2 Q And is that Amber McReynolds the  
3 former Denver elections official?

4 A Yes.

5 Q And in your text at the top there you  
6 say, "I would appreciate any thoughts you may have  
7 on this and whether this compromises the State's  
8 election voting." And then you linked to that the  
9 Atlanta Journal Constitution article that we  
10 covered earlier.

11 A Yes.

12 Q Why did you want Ms. McReynolds'  
13 thoughts on whether this compromises the State's  
14 election security?

15 A Because I'm reaching out to multiple  
16 people to ask that same question. And I know Amber  
17 from my past dealings with her. And so I -- like  
18 I -- the same reason that I reached out to  
19 Sterling, the same reason that I reached out --  
20 I -- I've heard from others in the Secretary of  
21 State's office, same reason that I will ask this  
22 same sort of question to others.



1                   Q       Why specifically did you choose to  
2       consult with Ms. McReynolds?

3                   MR. DENTON:   Object to form.

4                   THE WITNESS:   Ms. McReynolds and I  
5       have worked together in the past and I know her,  
6       and I have -- I have respect for her.

7       BY MS. SWANBECK:

8                   Q       What did you work on in the past?

9                   A       I represented her in the past.   I  
10       represented her organization in the past.

11                  Q       Which organization is that?

12                  A       Vote At Home.

13                  Q       So did your representation of her  
14       involve vote-by-mail issues?

15                  A       No.   It dealt more with voter access,  
16       dealing with the proposals in the 2020 and 2021  
17       legislative cycle.

18                  Q       What voter access issues?

19                  A       Well, we had SB 202, I guess -- is it  
20       202 or 201?   I'm suddenly -- the Bill that got  
21       passed last -- in 2021.   She -- she has certain  
22       expertise when it comes to what does and does not

1 work, when it comes to voter access versus voter  
2 security. And she wanted to testify in Georgia,  
3 and I -- I introduced her to various legislatures  
4 and I help set up her testimony.

5 Q Do you consider her an expert in  
6 election security?

7 A I'm not so sure -- well, I'd have to  
8 ask her if she considers herself an expert. I  
9 consider herself -- her knowledgeable, and -- and I  
10 consider her being a good resource. Whether or not  
11 she is an expert or not, I wouldn't -- it depends  
12 on -- it depends on the issue and the topic.

13 Q Is it fair to say that you respect  
14 her opinion on election security issues?

15 A Yes. It would be fair to say that I  
16 think -- we mentioned a whole host of -- yes. The  
17 answer is yes. And -- and I -- I have certain  
18 respect for just about anyone that we've mentioned  
19 so far.

20 Q Can you go to the second page of this  
21 exhibit where it shows her full response, or most  
22 of her full response?

1 A Yeah.

2 Q And do you see the sentence at the  
3 top there that says, "Well, first, I know the State  
4 is investigating and it needs to be taken seriously  
5 and they need to move swiftly"?

6 Do you agree with those statements?

7 A Yes, that's why we referred it to the  
8 GBI.

9 Q And then going down to the second  
10 sentence of that next paragraph. It's about  
11 halfway down the page that begins with "normally."  
12 Do you see that where it says, "Normally when you  
13 do a software update (as I believe Georgia has done  
14 since this copy was made) the State would then do a  
15 trusted build and then install the next version."

16 Do you see that?

17 A I do.

18 Q Do you know whether Georgia has  
19 completed a software update since the copy of the  
20 Coffee County system?

21 A I do not, but it is -- like I said,  
22 it's something that it -- it's an additional

1 question in my -- in my list for people.

2 Q Have you asked anyone else whether  
3 that has been completed?

4 A I have not had a chance to yet. This  
5 was last week, I think it was. I'm just coming off  
6 of my vacation, so I haven't had a chance to yet,  
7 but it is -- it's on my list.

8 Q So would it be fair to say that you  
9 haven't asked anyone because you haven't had time  
10 to get to it?

11 A Yes. It would be fair to say that  
12 yes, that I have not focused specifically on  
13 this -- on this question yet.

14 Q Who would you like to ask about it?

15 A I'll start with the Secretary of  
16 State's office and then I'll go from there.

17 Q Who at the Secretary of State's  
18 office would you like to ask?

19 A The election director, Gabe, and  
20 anyone else that I might feel is necessary. Then  
21 if -- and if it has not, I want to know why not. I  
22 want to know what other precautions that they --

1           have they taken that they feel is as good or  
2           better. I don't . . .

3                   Q       Would it concern you if they hadn't  
4           made a software update?

5                   A       It depends on their answer as to --  
6           as to what -- what they have done to protect us.

7                   Q       What do you believe they could do in  
8           lieu of a software update that would protect the  
9           system?

10                   MR. DENTON: Object to form.

11                   THE WITNESS: I'm going to first  
12           listen to them and then talk to others to see what  
13           I think is sufficient. I'm not -- at this point  
14           yet to give a conclusion.

15           BY MS. SWANBECK:

16                   Q       Is there anyone else that you'd like  
17           to talk to besides persons at the Secretary of  
18           State's office that you've already mentioned?

19                   A       That's a good place to begin. We'll  
20           see where it goes from there.

21                   Q       Would you like to talk to Ryan  
22           Germany, the general counsel?

1                   A       I would expect to talk to Ryan, yeah.  
2                   I think he's at the Secretary of State's office, so  
3                   he would be included in that group that I  
4                   previously mentioned.

5                   Q       You said earlier that you'd start  
6                   with the Secretary of State's office and then would  
7                   talk to others. What others would you talk to?

8                   A       It depends on what I hear from the  
9                   Secretary of State's office.

10                  Q       Whom might you talk to?

11                           MR. DENTON: Object to form.

12                           THE WITNESS: That calls for some  
13                   speculation since I don't know what the answer is  
14                   from the Secretary of State's office, so it's kind  
15                   of difficult. But I'd certainly talk to -- I would  
16                   like to -- if necessary I would love to hear from  
17                   somebody from -- depending -- I believe your  
18                   question calls for too much speculation because I  
19                   haven't talked to the Secretary of State's office,  
20                   to be candid.

21                           Beyond that, there's certainly a  
22                   number of folks that have been involved in this

1 case one way or the other that might be possible  
2 folks that I would talk to. That could include  
3 the -- that could include Dominion, that could  
4 include going back to Ms. McReynolds, that could  
5 include going to other possible sources. That  
6 could include, if you guys want to send me  
7 something, I'm more than happy to look at it,  
8 too.

9 BY MS. SWANBECK:

10 Q We appreciate that.

11 Given that the November 2022  
12 elections are coming up, when do you expect to  
13 gather information that you need to assess the  
14 security of the system?

15 A It's ongoing.

16 Q Is there any sense of urgency given  
17 that the 2022 elections are coming up?

18 MR. DENTON: Object to form.

19 THE WITNESS: There is a sense of  
20 let's get it -- let's get to a point where we are  
21 comfortable that the system is secure, yes, as soon  
22 as possible. That's why I asked the Chair for a

1 hearing sometime in September.

2 BY MS. SWANBECK:

3 Q Do you expect to have the information  
4 that you need by the November 2022 elections?

5 A Yes.

6 MR. DENTON: Object to form.

7 BY MS. SWANBECK:

8 Q What would you -- what would you do  
9 if the investigation showed that the system was not  
10 secure?

11 A Well, that once again calls for  
12 speculation. I believe that the system -- based on  
13 everything that I've seen, including the various  
14 reports that I've seen, or the various reports that  
15 I've heard of, including the reports from CISA, the  
16 report that I've heard of from Dominion, the -- the  
17 conclusions of our experts that this is an issue  
18 that is soluble. I do believe that to be true,  
19 based on the -- based on the totality of what I've  
20 heard so far.

21 What exactly that is, I can't tell  
22 you at this point, but based on everything that



1 I've seen and heard from -- from a wide range of  
2 individuals is I believe this is an issue that --  
3 that -- that we can deal with.

4 Q So the CISA report, and the other  
5 reports that you've mentioned, were published a  
6 while ago before the -- the news of the Coffee  
7 County breach came out as a public matter.

8 Do you believe -- does this -- sorry,  
9 strike that.

10 Does the fact that the Coffee County  
11 data was breached or -- was breached, does this not  
12 change your opinion in -- in any way, given that  
13 those reports don't reflect on such a -- such a  
14 massive breach?

15 MR. DENTON: Object to form.

16 THE WITNESS: The question is how  
17 massive the breach was, Counselor, and whether or  
18 not it can be rectified. My understanding is that  
19 these are issues that can be. Let's -- let's see  
20 though.

21 BY MS. SWANBECK:

22 Q How do you believe they can be

1 addressed?

2 A We typically -- we typically deal  
3 with a lot of ways in which we check and we  
4 recheck. We deal with various ways in which  
5 that -- that limit people's ability to get to the  
6 system to be able to exploit any type of -- of  
7 issues. We've historically been able to deal with  
8 those sort of issues, and I expect us to be able to  
9 deal with them again. With that being said, I want  
10 to hear more.

11 Q What more do you want to hear?

12 A I think we've already been over that  
13 a few times. I want to -- I want to find -- I want  
14 to get more detail on what happened. I want to get  
15 more detail on what the Secretary of State's office  
16 believe needs to be -- to happen. And I want to --  
17 I want to hear from a wide range of individuals as  
18 to whether the steps that are being taken are  
19 secured. And if any additional steps need to be  
20 taken.

21 Q Going down to -- further down in this  
22 exhibit, do you see the sentence where

1 Ms. McReynolds says, "Public logic and accuracy  
2 tests and post election audits real risk limiting  
3 audits are safeguards in ensuring a system is  
4 secure"?

5 Do you see that?

6 A Yeah.

7 Q Are you aware that the Halderman  
8 report that we went over earlier demonstrated that  
9 logic and accuracy testing can be defeated by  
10 malware on BMDs?

11 MR. DENTON: Object to form.

12 THE WITNESS: I've heard different  
13 reports on that, yes. But that is -- that is that  
14 person's or entity's conclusion.

15 BY MS. SWANBECK:

16 Q Are you aware that the Halderman  
17 report describes how risk-limiting audits can be  
18 circumvented by malware on BMDs?

19 MR. DENTON: Object to form.

20 THE WITNESS: I'd have to go back and  
21 read the details of it, but I've -- I've heard --  
22 I'd heard that. I would have to go back and -- and

1 review it to be able to confirm what you say.

2 BY MS. SWANBECK:

3 Q Given the -- given that these are the  
4 main safeguards that Ms. McReynolds details, does  
5 it concern you that they can be circumvented by  
6 malware on BMDs?

7 MR. DENTON: Object to form.

8 THE WITNESS: Well, I've heard  
9 different opinions as to that. But I'm -- I'm  
10 prepared to listen to everybody.

11 BY MS. SWANBECK:

12 Q What different opinions have you  
13 heard?

14 A Well, there's other experts that have  
15 said that various security systems are -- are  
16 sufficient, this one says no. I'd like to hear it  
17 from -- I'd like to hear from everybody.

18 Q What experts have you heard from?

19 A I'm just talking in generalities,  
20 Counselor, as to -- you know, for instance,  
21 Ms. McReynolds' opinion, and other people's  
22 opinion, that they believe that the -- that that is

1           one tool -- that is not the only tool, but that is  
2           one tool in the toolbox to try to check against  
3           potential misconduct.

4                   Q       Have you heard from any expert that  
5           has found that the version of the Dominion software  
6           that is being used in Georgia is secure?

7                   A       Ask the question again, if you don't  
8           mind.

9                   Q       Have you heard from any expert that  
10          has concluded that the version of the Dominion  
11          software that is being used in Georgia is secure?

12                  A       I have heard from Secretary of  
13          State's office that they believe that with the  
14          necessary safeguards is secure.

15                  Q       So the answer to that is no. Is that  
16          correct?

17                           MR. DENTON: Object to form.

18                           THE WITNESS: I think I just -- just  
19          answered that. I -- I -- I -- no, the answer to  
20          your question is not no. I've just given you the  
21          group of who I've talked to who believes that it is  
22          secure.

1 BY MS. SWANBECK:

2 Q But they aren't -- they aren't  
3 cybersecurity experts. So have you talked to any  
4 cybersecurity experts that --

5 A Directly no. I've --

6 MR. DENTON: Object to form.

7 THE WITNESS: I'm sorry. Thank you.

8 Directly no. I've talked to the  
9 Secretary of State's office, who -- who does talk  
10 to experts.

11 BY MS. SWANBECK:

12 Q And --

13 A I assume --

14 Q -- do you know who they've talked to?

15 A I do not off the top of my head, no.

16 Q Do you know whether they've talked to  
17 any experts at all?

18 A I don't know the answer to that. I  
19 just finished answering that I don't know who  
20 they've talked to.

21 Q So you don't know who if they've  
22 talked to anybody?

1                   A       That's the third time you've asked  
2                   the same question. I don't know one way or the  
3                   other.

4                   Q       What steps have been taken to  
5                   determine whether this sort of breach in Coffee  
6                   County has happened elsewhere in Georgia?

7                   MR. DENTON: Object to form.

8                   THE WITNESS: I don't know one way or  
9                   the other.

10                  BY MS. SWANBECK:

11                  Q       What steps have been taken to  
12                  determine whether the Coffee County breach affected  
13                  the way Georgia's voting system -- sorry, the way  
14                  that Georgia's voting system tabulates votes?

15                  MR. DENTON: Object to form.

16                  THE WITNESS: Ask me the question  
17                  again, please.

18                  BY MS. SWANBECK:

19                  Q       I'm sorry.

20                  What steps have been taken to  
21                  determine whether the Coffee County breach affected  
22                  the way Georgia's voting system tabulates votes?

1 MR. DENTON: Object to form.

2 THE WITNESS: I believe that the  
3 Secretary of State's office has -- has made its  
4 investigation and -- and believes that it is  
5 secure.

6 BY MS. SWANBECK:

7 Q Do you know what --

8 A In my conversation with them.

9 Q Do you know what steps they've taken  
10 to make that determination?

11 A I'd like to hear more, but no -- of  
12 the details, no.

13 Q Have you asked them what steps  
14 they've taken?

15 A I've begun my discussions with them.  
16 I need to do -- I -- I intend for the SEB people to  
17 do more.

18 Q Do you know what steps have been  
19 taken to determine whether anyone associated with  
20 the Coffee County breach left malware in Georgia's  
21 voting system?

22 MR. DENTON: Object to form.



1 THE WITNESS: I don't know the answer  
2 to that one way or the other.

3 BY MS. SWANBECK:

4 Q Isn't that really important to  
5 determine for future elections?

6 MR. DENTON: Object to form.

7 THE WITNESS: I don't have any  
8 evidence that -- that it was or was not one way or  
9 the other.

10 BY MS. SWANBECK:

11 Q But --

12 A Let me ask you this, Counselor, I  
13 mean, because my job primarily is making sure  
14 elections are protected, which is far more  
15 important than this deposition. If y'all have any  
16 evidence that malware may have been placed on  
17 that -- that system, I'd like to hear it from  
18 y'all. Let me just go ahead and just state -- say  
19 that for the record.

20 Q So you didn't actually answer my  
21 question.

22 A I think I did. I don't know one way

1 or the other. I haven't heard any evidence that it  
2 has. I haven't heard anyone say that it has. I  
3 haven't heard anyone even speculate that it may  
4 have other than you. And I'm asking you, as -- as  
5 someone involved in this issue, if you and your  
6 client have any such evidence, I'd like for you to  
7 please turn it over.

8 Q So you think --

9 MR. DENTON: Sorry, Ms. -- I'm sorry,  
10 Ms. Swanbeck, I've got you as over your time.

11 BY MS. SWANBECK:

12 Q So -- so do you believe that it's  
13 important for future elections to determine whether  
14 any malware has been placed on Georgia's voting  
15 system?

16 MR. DENTON: Ms. Swanbeck, I think  
17 he's answered that question. And I believe you  
18 are -- I know you are over your time.

19 BY MS. SWANBECK:

20 Q Can you answer the question?

21 MR. DENTON: Ms. Swanbeck, he did  
22 answer the question. And you are over your time.

1 MS. SWANBECK: I don't believe he did  
2 answer the question.

3 MR. DENTON: Well, we have a  
4 disagreement then.

5 MR. CROSS: Are you instructing him  
6 not to answer?

7 MR. DENTON: I'm telling you --  
8 David, are you the deposing attorney on this  
9 deposition?

10 MR. CROSS: Are you instructing him  
11 not to answer the question?

12 MR. DENTON: You're over your time.

13 MR. CROSS: Okay. We'll call the  
14 judge. Are you cutting us off, because if you are,  
15 we'll call the judge?

16 You know full well that when she  
17 set the 90-minute limit, none of the Coffee  
18 County breach had come to light, and your client,  
19 the Secretary of State's office, publicly claimed  
20 it didn't happen. So we are perfectly happy to  
21 jump on the phone with her and explain that we  
22 need a little more than 90 minutes or we can

1 bring your client back, you choose.

2 I would suspect Mr. Lindsey wants  
3 to get this over with. We're not asking for a  
4 lot more time.

5 MR. DENTON: How much time are you  
6 asking for, David?

7 THE WITNESS: David, take a break --  
8 if I may, take a break and ask -- and y'all figure  
9 out how much more time you need, and then we can  
10 determine whether or not we'll give it to you. As  
11 a witness, I'll -- I'll be a part of that.

12 MR. CROSS: Yeah, that's -- that's  
13 fair. We appreciate that, Mr. Lindsey. We'll go  
14 off the record.

15 VIDEOGRAPHER: Good to go off the  
16 record?

17 Stand by one moment. The time is  
18 11:20 a.m. We are off the video record.

19 (Recess from 11:20 a.m. to 11:27 a.m. )

20 VIDEOGRAPHER: The time is 11:27 a.m.  
21 We are back on video record.

22

1 BY MS. SWANBECK:

2 Q Mr. Lindsey, what steps have been  
3 taken to determine whether sophisticated nation  
4 states, like Russia, whether they downloaded the  
5 Dominion voting software and data that was put on  
6 the internet from Coffee County?

7 VIDEOGRAPHER: Ma'am -- ma'am, you're  
8 really low now.

9 MS. SWANBECK: Can you hear me now?

10 THE WITNESS: Now I can, yes. If you  
11 could ask the question again.

12 BY MS. SWANBECK:

13 Q Sure. I'll try speaking up.  
14 What steps have been taken to  
15 determine whether sophisticated nation states, like  
16 Russia, downloaded the Dominion voting software and  
17 data that were put on the internet from Coffee  
18 County?

19 MR. DENTON: Object to form.

20 THE WITNESS: I don't know. Like I  
21 said, we turned over the investigation to the GBI.  
22 And -- and we certainly would expect them to

1           conduct a thorough investigation as they -- as I --  
2           my experience with them in other matters has been  
3           that they usually do.

4           BY MS. SWANBECK:

5                   Q           Is it appropriate in your view to  
6           require voters to use the Dominion System in  
7           Georgia without first determining with reasonable  
8           certainty that the Coffee County breach has not  
9           affected the way that the system tabulates votes?

10                   MR. DENTON:   Object to form.

11                   THE WITNESS:   I believe, once again,  
12           that calls for some speculation.   I think that it  
13           is appropriate for us to investigate to make sure  
14           that the system that we use is secure and is  
15           verifiable.   And that is my goal.

16           BY MS. SWANBECK:

17                   Q           You said -- you've talked about  
18           having a lot of questions today, a lot of questions  
19           for GBI, a lot of questions for the Secretary of  
20           State's office and others.

21                               Isn't it important to get the answers  
22           to these questions before the midterm elections?

1 MR. DENTON: Object to form.

2 THE WITNESS: I would certainly hope  
3 to get the -- the answer to -- at least a  
4 sufficient number of answers so that we can --  
5 folks can have -- have -- have assurance that the  
6 voter outcome is -- is accurate, yes.

7 BY MS. SWANBECK:

8 Q Isn't that somewhat assuming that the  
9 conclusion of the investigation, that everything is  
10 secure?

11 What would you do if the system is  
12 not found to be secure?

13 MR. DENTON: Object to form.

14 THE WITNESS: Well, that's -- that --  
15 that calls for some speculation, Counselor. You  
16 know, based on everything that I've heard from a  
17 wide range of experts, with your client's expert  
18 opinion being one great exception, that folks  
19 generally believe that an eVoting system is -- can  
20 be protected and secured.

21 And -- and keep in mind, Counselor,  
22 that I'm also under these certain kinds of

1 confines here and that, you know, the General  
2 Assembly, in its infinite wisdom, has prescribed  
3 eVoting as the system to be utilized by the  
4 state. And so my job is -- is to do what's  
5 necessary to make sure that that's a secured  
6 system. And I intend to try to do that. And to  
7 date, I haven't seen anything that indicates that  
8 we can't.

9 BY MS. SWANBECK:

10 Q Okay. But those -- those experts  
11 that you mentioned seem to be talking about the  
12 Dominion System's capacity for security.

13 Doesn't it concern you that the  
14 system in Georgia has been breached in Coffee  
15 County, doesn't it concern you that the security of  
16 the system is no longer -- that it no longer has  
17 that level of security?

18 MR. DENTON: Object to form.

19 THE WITNESS: Well, once again,  
20 Counselor, I think that you're making certain  
21 assumptions in that question that I -- that that --  
22 that the evidence so far doesn't bear out. It does



1       raise a sufficient amount of concern for me, and  
2       for the other members of the Board, particularly  
3       our Chair, that brought in the GBI, and -- and --  
4       and others. And I would assume that they would  
5       also be bringing in experts to take a look at that  
6       as well.

7       BY MS. SWANBECK:

8               Q       Isn't it important to determine the  
9       answers to these questions before the midterm --  
10      before the voters are required to use these BMDs to  
11      tabulate their votes?

12               MR. DENTON: Object to form.

13               THE WITNESS: I think I've answered  
14      that a few times, Counselor. You know, it's -- you  
15      know, we are working toward it. We've got the GBI  
16      working on it. I -- I believe that the Secretary  
17      of State's office needs to be stepping up and  
18      explaining to the public why they believe it to be  
19      secured so that folks can then see -- see the  
20      validity of that assertion.

21      BY MS. SWANBECK:

22               Q       Okay. But as we've gone over in

1 previous exhibits, there's been an indication of  
2 the breach for over a year and a half. Does it  
3 raise concerns to you that there's been a year and  
4 a half for an investigation to happen and we're  
5 coming up just a couple of months before the  
6 midterm elections and there -- these -- this  
7 investigation hasn't been completed or that there  
8 are no answers to your questions yet?

9 MR. DENTON: Object to form.

10 THE WITNESS: I think there are some  
11 answers to the questions, and we've gone over them  
12 already. But are there more to be asked? Yes.  
13 And that's why we have the GBI working on it. And  
14 I -- and we will hear from the Secretary of State's  
15 office as to whether or not they believe it to be  
16 secure. I do want to hear from them specifically  
17 on this. And I do want them to be public about why  
18 they think it will be secured.

19 I do want to see the GBI get to a  
20 point where they can -- they can publicly divulge  
21 what they have learned in terms of the -- the  
22 seriousness of the breach. And, quite frankly, I

1 would ask that other folks that have information  
2 to be more forthcoming.

3 You asked, does it concern me. A  
4 lot of things about this raise questions for me.  
5 Questions will be better statements than  
6 concerns.

7 You know, when you asked me about  
8 this -- this e-mail -- well, this text with Amber  
9 McReynolds, for instance, you -- you passed over  
10 the question on why Marilyn Marks -- who I know  
11 and have a lot of respect for, let me make sure  
12 that you understand that -- if, indeed, she was  
13 holding on to information that may have helped  
14 the investigation for a year, I'm -- I'm a little  
15 concerned about that, too.

16 But at this point in the game, I'm  
17 more concerned about from this point forward what  
18 we need to do in order to make sure that the  
19 election is secure. But there are a lot of  
20 questions that may over time have -- that I'd  
21 like answers to, but right now I want to -- I  
22 want to focus on the 2022 election.

1 MS. SWANBECK: So I'd like to  
2 introduce the next exhibit, the last exhibit, Tab  
3 29 is Exhibit 10, I believe.

4 MS. CINO: I'm handing it to the  
5 witness now. Sorry, there you go.

6 (Lindsey Deposition Exhibit Number 10  
7 marked for identification.)

8 BY MS. SWANBECK:

9 Q And do you see that this is an  
10 e-mail --

11 A Yes.

12 Q -- "Letter Petition to State Election  
13 Board"?

14 A Yes. I think we got this in several  
15 different forms.

16 Q So you recognize this e-mail?

17 A Yes.

18 Q And could you go to -- flip the --  
19 the page over, and do you see in the signatures  
20 there it says -- it's signed by Jeanne Dufort, who  
21 is the First Vice President for Morgan -- of the  
22 Morgan County Democratic Committee, Ryan Graham,

1 the Chair of the Libertarian Party of Georgia, and  
2 Salleigh Grubbs, the Cobb County Republican Party  
3 Chair?

4 Do you see that?

5 A Uh-huh. Yes.

6 Q Now going back to the first page, the  
7 second paragraph of the e-mail, that starts, "As  
8 leaders in our respective political parties, we  
9 renew our joint interest for the State Election  
10 Board to declare that emergency paper balloting  
11 should be used in the upcoming elections based on  
12 the finding of escalating emergent circumstances  
13 showing that the BMD system is not reliable for use  
14 in Georgia elections."

15 Do you see that?

16 A Yes.

17 MR. DENTON: Object to form.

18 BY MS. SWANBECK:

19 Q Okay.

20 A I see it.

21 Q Do you find it concerning that the  
22 political leaders of Georgia do not believe that

1 the BMD system is reliable for use in Georgia's  
2 elections?

3 MR. DENTON: Object to form.

4 THE WITNESS: I guess I have to put  
5 this in -- in perspective, Counselor. A, it raises  
6 allegations that we've heard from other folks. B,  
7 in terms of the folks that were -- they were able  
8 to get to sign the letter, while I'm sure they're  
9 very fine people, I don't believe them to be  
10 necessarily folks that have expertise.

11 And I would also say that, to  
12 borrow from Arthur Conan Doyle, "I find it  
13 equally interesting the dog that doesn't bark."  
14 And what I mean by that is the number of  
15 political leaders in the state who haven't  
16 called -- come out for this sort of thing.

17 While these, I'm sure, are very  
18 fine people, they're hardly what I would call the  
19 people that -- that are actively involved in the  
20 elections over the years, either as candidates or  
21 as -- or as overall leaders of their party. So I  
22 do have some -- I have to put it in perspective.

1                   Like I said, I respect their  
2                   opinion, I read their opinion, but I need to put  
3                   it in perspective when it comes to that narrow  
4                   issue of who's calling -- who among in the  
5                   political circles is calling for it. I have to  
6                   weigh it against all of the people that I have  
7                   heard from.

8                   BY MS. SWANBECK:

9                   Q           Are you aware that the Georgia  
10                  Republican Party, as part of its Convention and  
11                  Resolutions Committee report, are you aware that  
12                  the Party called for Georgia to replace all  
13                  Dominion Voting Systems with secured hand-marked  
14                  paper ballots?

15                  MR. DENTON: Object to form.

16                  THE WITNESS: I'm -- I'm aware that  
17                  some within the Republican Party do believe that to  
18                  be true, yes. And that's primarily borne out of  
19                  their insistence -- the folks that have e-mailed  
20                  me, primarily borne out of their insistence that  
21                  the 2020 presidential election was wrongly decided  
22                  in Georgia. And that's a conclusion that I don't

1 agree with.

2 BY MS. SWANBECK:

3 Q Does it concern you, however, that  
4 problems with the security of the system could  
5 degrade voter confidence such that people may  
6 easily be led to believe that the outcome of the  
7 vote was wrong?

8 MR. DENTON: Object to form.

9 THE WITNESS: What concerns me --  
10 like I said, what I have to do, Counselor, is  
11 divide out those allegations and suspicions and  
12 those conspiracies from facts. And I am trying to  
13 very hard to focus on the facts.

14 I am aware that because of claims  
15 by various entities and individuals, and many of  
16 them that have borne false have raised suspicions  
17 that concerns me. I -- I -- but I -- but I would  
18 also say that I also want to -- to be objective  
19 in terms of any hard evidence of problems.

20 And it does concern me that certain  
21 people, I think for the wrong reasons, believe  
22 that the system is flawed because they simply



1 didn't like the outcome of the 2020 election.  
2 And so I -- I need to deal with that. So I have  
3 to deal with a multiple of factors here, both in  
4 terms of conspiracy theories that are simply  
5 unfounded and then there are real problems in  
6 terms of knowing exactly -- what exactly the  
7 problem. So I would have to weigh a lot of  
8 things and -- and wear a lot of hats.

9 Getting back to those issues that  
10 exist -- not issues, but those mandates from the  
11 legislature, those ten things that we talked  
12 about earlier, one is to try to get -- make sure  
13 that folks have an accurate view of the election  
14 system, and the other is to do what I can do to  
15 instill public confidence. I'm trying to balance  
16 all those things in the time that I have.

17 BY MS. SWANBECK:

18 Q Doesn't the fact that the Coffee  
19 County security breach demonstrate that at least  
20 some of those concerns that you heard are  
21 legitimate?

22 A I don't know, because I think that

1 the 20 -- that the Coffee County breach was the --  
2 the attempt to do was borne on a false assumption  
3 that the 2020 presidential election was stolen, and  
4 so -- but it does concern me that people have been  
5 led to believe certain things and so, therefore,  
6 they've gone and done things that I think are  
7 potentially criminal because they've been -- they  
8 have been led to believe false conspiracies, so  
9 yeah. With that being said, yeah, I'm concerned  
10 about Coffee County. We've been through this a  
11 great deal.

12 MR. DENTON: Are you all set,  
13 Ms. Swanbeck?

14 MS. SWANBECK: Almost.

15 BY MS. SWANBECK:

16 Q Are you aware that the SEB has the  
17 power to mandate emergency use of hand-marked paper  
18 ballots for future elections?

19 A We do not, not -- not unilaterally.

20 Q You don't believe that you can  
21 implement that using current SEB rules?

22 A No. No. No. You have to look at

1 the totality of the State statutes. And I'm aware  
2 that you guys have raised that allegation based on,  
3 I think, item 10 on the statute, whatever it might  
4 be. But you have to -- you have to weigh that,  
5 which is a general statement as to our powers,  
6 versus the specific mandate that came from the  
7 General Assembly in regards to use of the eVoter  
8 system. I have to weigh those two things. And so,  
9 you know, that does limit my authority somewhat.

10 Q Who do you believe has the authority  
11 to mandate the use of hand-marked paper ballots in  
12 the case of an emergency?

13 A If there is a specific concern in the  
14 county, I know the counties have -- have a certain  
15 amount of flexibility in that area.

16 Q What about state law?

17 A Under state law, we are somewhat  
18 limited.

19 Q So you believe it's up to the state  
20 counties to implement the use of hand-marked paper  
21 ballots on an emergency basis?

22 A Let me put it this way --

1 MR. DENTON: Object to form.

2 THE WITNESS: Let put it this way: I  
3 think my power to unilaterally declare an emergency  
4 is limited.

5 BY MS. SWANBECK:

6 Q What about the Board's power?

7 A Huh?

8 MR. DENTON: Object to form.

9 BY MS. SWANBECK:

10 Q What about the --

11 A Mine -- mine being the Board. I'm  
12 sorry. I think that under existing Georgia law, my  
13 power to declare that kind of an emergency is  
14 limited.

15 Q Can the Chair of the Board have any  
16 impact on that?

17 MR. DENTON: Object to form.

18 THE WITNESS: The Board -- the  
19 Chair -- the Chair is the first among equals  
20 sometimes. When I talk about the Board, I include  
21 me, I include the other members and I include the  
22 Chair.

1 BY MS. SWANBECK:

2 Q What has the Board done to  
3 investigate the failures of the State to conduct  
4 the -- the required risk-limiting audits?

5 MR. DENTON: Object to form.

6 THE WITNESS: You're going to have to  
7 be more specific. Is there something specific that  
8 you think that they failed to do?

9 BY MS. SWANBECK:

10 Q So the statute --

11 A Can you cite to me something in  
12 particular?

13 Q Risk-limiting audits are required by  
14 statute, however some of them have not been -- have  
15 not been conducted. Do you know if anything has  
16 been done to investigate the fact that  
17 risk-limiting audits have not been done in  
18 accordance with statute?

19 MR. DENTON: Object to form.

20 THE WITNESS: I would need to know  
21 what specific risk-limiting audits you believe have  
22 not been done and then we need to take a look at

1           that. And I would invite you, you know, beyond  
2           this lawsuit, if y'all believe that something has  
3           not been done that should have been done, please  
4           feel free to file a complaint with the State  
5           Election Board and we'll take a look.

6                       MR. DENTON: And, Ms. Swanbeck, I  
7           think this sounds like a good stopping point.

8                       MS. SWANBECK: Okay. No further  
9           questions then.

10                      MR. DENTON: Okay.

11                     THE WITNESS: If I can simply -- once  
12           again, simply say my invitation to you was sincere,  
13           if y'all have information that you believe would  
14           help in the investigation, please do so, please --  
15           and please do send it to GBI or -- or relay it to  
16           us and we'll relay it to GBI. And if you believe  
17           that something in particular has not happened that  
18           needs to be done, please avail yourself of the  
19           complaint power of the State Election Board for us  
20           to -- to look at it further. That's a sincere  
21           offer.

22                      MS. SWANBECK: Thank you, Mr.

1           Lindsey.

2                           MR. CROSS:   This is David Cross.   And  
3           I will say we do very much appreciate that.   And we  
4           have offered to cooperate with the Board and the  
5           GBI.   And we welcome any dialogue.

6                           THE WITNESS:   Thank you.

7                           MR. CROSS:   Thank you.

8                           VIDEOGRAPHER:   The time is 11:46 a.m.  
9           This includes the videotape deposition.   We are off  
10          video record.

11                           (Whereupon, at 11:46 a.m., the  
12           video-recorded deposition of EDWARD H.  
13           LINDSEY, JR. was concluded; signature  
14           reserved.)

## CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



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FELICIA A. NEWLAND, CSR  
Notary Public

My commission expires:

September 15, 2024



1 Alexander Denton, Esquire

2 a.denton@robbinsfirm.com

3  
4 RE: Curling, Donna v. Raffensperger, Brad

5 8/31/2022, Edward H. Lindsey , Jr. (#5384601)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21  
22 Yours,

23 Veritext Legal Solutions  
24  
25

1 Curling, Donna v. Raffensperger, Brad

2 Edward H. Lindsey , Jr. (#5384601)

3 E R R A T A S H E E T

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6 REASON\_\_\_\_\_

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21 REASON\_\_\_\_\_

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23 \_\_\_\_\_

24 Edward H. Lindsey , Jr.

Date

25

1 Curling, Donna v. Raffensperger, Brad  
2 Edward H. Lindsey , Jr. (#5384601)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Edward H. Lindsey , Jr., do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10  
11 \_\_\_\_\_  
12 Edward H. Lindsey , Jr.

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16  
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18 \_\_\_\_\_  
19 NOTARY PUBLIC  
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